

## **EXHIBIT N**

**From:** [MacKinnon, Ari](#)  
**To:** [Forman, Jonathan A.](#)  
**Cc:** [Calvani, Torello](#); [Peace, Breon S.](#); [Xu, Donna](#)  
**Subject:** Re: Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)  
**Date:** Sunday, January 28, 2018 2:33:41 PM

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Hello Jonathan,

We appreciate your response. We continue to believe that discovery would be premature at this time, particularly in light of the Court's questions as to whether the Amended Complaint on which the Trustee is seeking discovery was properly filed. While we disagree with the position set forth in your email, we would be pleased to host you at our offices on Tuesday at 12pm in order to engage in good-faith discussions regarding the discovery process and related scheduling issues.

If this time-slot works for you, we will follow up with a calendar invitation, including the relevant logistical information. Thanks, and have a nice weekend.

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Ari MacKinnon  
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**From:** Forman, Jonathan A. [<mailto:jforman@bakerlaw.com>]  
**Sent:** Thursday, January 25, 2018 05:56 PM  
**To:** MacKinnon, Ari  
**Cc:** Calvani, Torello <[tcavani@bakerlaw.com](mailto:tcavani@bakerlaw.com)>; Peace, Breon S.; Xu, Donna; Forman, Jonathan A. <[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)>  
**Subject:** RE: Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)

Ari,

Thank you for your email. We prefer to meet with you in person on Tuesday at 12pm. We can host or come to your office, whichever you prefer. We disagree with your interpretation of Judge Bernstein's direction during Tuesday's informal conference and your view of your clients' discovery obligations. It is clear that Judge Bernstein deemed the Trustee's Rule 34 requests served as of the conference and directed the parties to hold a Rule 26(f) conference. We will follow the Court's direction in a good faith attempt to come to an agreement on discovery and case administration.

We look forward to meeting and conferring with you on Tuesday.

My best,  
Jonathan

**Jonathan A. Forman**



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**From:** MacKinnon, Ari [mailto:[amackinnon@cgsh.com](mailto:amackinnon@cgsh.com)]  
**Sent:** Wednesday, January 24, 2018 8:28 PM  
**To:** Forman, Jonathan A. <[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)>; Xu, Donna <[dnxu@cgsh.com](mailto:dnxu@cgsh.com)>  
**Cc:** Calvani, Torello <[tcavani@bakerlaw.com](mailto:tcavani@bakerlaw.com)>; Peace, Breon S. <[bpeace@cgsh.com](mailto:bpeace@cgsh.com)>  
**Subject:** RE: Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)

Hello Jonathan,

It was a pleasure to meet you and your team in person as well. We would be pleased to confer with you regarding the best means of putting before the Court the issue of whether discovery should commence now, during the pendency of our motion to dismiss. We wish to clarify, however, that we would not view such a conference as triggering any other discovery obligations under the Rules. Our position remains that discovery should not commence in this action until our motion to dismiss has been decided by the Court. Moreover, we do not interpret the Court's direction that we meet as an order to participate in the very discovery processes which the Court appeared skeptical should take place now, especially in light of the fact that the Amended Complaint was not properly filed.

We would be available on Tuesday afternoon from 12 – 2pm or Wednesday afternoon from 2 – 3pm or 5 - 6pm to discuss in further detail over the phone.

Thank you.

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**Ari MacKinnon**

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[amackinnon@cgsh.com](mailto:amackinnon@cgsh.com) | [clearygottlieb.com](http://clearygottlieb.com)

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**From:** Forman, Jonathan A. [mailto:[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)]  
**Sent:** Tuesday, January 23, 2018 1:59 PM  
**To:** MacKinnon, Ari <[amackinnon@cgsh.com](mailto:amackinnon@cgsh.com)>; Xu, Donna <[dnxu@cgsh.com](mailto:dnxu@cgsh.com)>  
**Cc:** Calvani, Torello <[tcavani@bakerlaw.com](mailto:tcavani@bakerlaw.com)>; Forman, Jonathan A. <[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)>  
**Subject:** RE: Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)

Ari & Donna,

It was a pleasure to finally meet you and your team in person. We're generally available this Friday and next Monday, Tuesday, and Wednesday to have our Rule 26(f) conference. We'd be happy to host at our office or come to you. Please let us know what your availability is those days and where you'd like to meet.

My best,  
Jonathan

**Jonathan A. Forman**

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**From:** MacKinnon, Ari [<mailto:amackinnon@cgsh.com>]  
**Sent:** Tuesday, November 28, 2017 4:31 PM  
**To:** Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>  
**Cc:** Calvani, Torello <[tcavani@bakerlaw.com](mailto:tcavani@bakerlaw.com)>; Molina, Marco <[mmolina@bakerlaw.com](mailto:mmolina@bakerlaw.com)>; Kornfeld, Mark A. <[mkornfeld@bakerlaw.com](mailto:mkornfeld@bakerlaw.com)>; Forman, Jonathan A. <[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)>; Xu, Donna <[dnxu@cgsh.com](mailto:dnxu@cgsh.com)>; Peace, Breon S. <[bpeace@cgsh.com](mailto:bpeace@cgsh.com)>; Janet, Andrew <[ajanet@cgsh.com](mailto:ajanet@cgsh.com)>  
**Subject:** RE: Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)

Dear Counsel:

Attached please find a .pdf copy of the letter sent out today by First Class mail.

Thanks,

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**Ari MacKinnon**

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**From:** Wasick, Joanna F. [<mailto:jwasick@bakerlaw.com>]

**Sent:** Thursday, November 16, 2017 12:33 PM

**To:** MacKinnon, Ari <[amackinnon@cgsh.com](mailto:amackinnon@cgsh.com)>

**Cc:** Calvani, Torello <[tcalvani@bakerlaw.com](mailto:tcalvani@bakerlaw.com)>; Molina, Marco <[mmolina@bakerlaw.com](mailto:mmolina@bakerlaw.com)>; Kornfeld, Mark A. <[mkornfeld@bakerlaw.com](mailto:mkornfeld@bakerlaw.com)>; Forman, Jonathan A. <[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)>; Xu, Donna <[dnxu@cgsh.com](mailto:dnxu@cgsh.com)>; Peace, Breon S. <[bpeace@cgsh.com](mailto:bpeace@cgsh.com)>; Janet, Andrew <[ajanet@cgsh.com](mailto:ajanet@cgsh.com)>

**Subject:** RE: Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)

Dear Counsel:

Attached please find our response to your November 13 letter. A hard copy will follow.

Sincerely,

Joanna

**Joanna Wasick**

Associate



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**From:** MacKinnon, Ari [<mailto:amackinnon@cgsh.com>]

**Sent:** Monday, November 13, 2017 5:23 PM

**To:** Wasick, Joanna F. <[jwasick@bakerlaw.com](mailto:jwasick@bakerlaw.com)>

**Cc:** Calvani, Torello <[tcalvani@bakerlaw.com](mailto:tcalvani@bakerlaw.com)>; Molina, Marco <[mmolina@bakerlaw.com](mailto:mmolina@bakerlaw.com)>; Kornfeld, Mark A. <[mkornfeld@bakerlaw.com](mailto:mkornfeld@bakerlaw.com)>; Forman, Jonathan A. <[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)>; Xu, Donna <[dnxu@cgsh.com](mailto:dnxu@cgsh.com)>; Peace, Breon S. <[bpeace@cgsh.com](mailto:bpeace@cgsh.com)>; Janet, Andrew <[ajanet@cgsh.com](mailto:ajanet@cgsh.com)>

**Subject:** RE: Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)

Dear Counsel:

Attached please find a pdf copy of the letter sent out today by First Class mail.

Thanks,

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**Ari MacKinnon**

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**From:** Wasick, Joanna F. [<mailto:jwasick@bakerlaw.com>]

**Sent:** Friday, October 27, 2017 3:33 PM

**To:** Xu, Donna <[dnxu@cgsh.com](mailto:dnxu@cgsh.com)>; Peace, Breon S. <[bpeace@cgsh.com](mailto:bpeace@cgsh.com)>; MacKinnon, Ari  
<[amackinnon@cgsh.com](mailto:amackinnon@cgsh.com)>

**Cc:** Calvani, Torello <[tcalvani@bakerlaw.com](mailto:tcalvani@bakerlaw.com)>; Molina, Marco <[mmolina@bakerlaw.com](mailto:mmolina@bakerlaw.com)>; Kornfeld,  
Mark A. <[mkornfeld@bakerlaw.com](mailto:mkornfeld@bakerlaw.com)>; Forman, Jonathan A. <[jforman@bakerlaw.com](mailto:jforman@bakerlaw.com)>

**Subject:** Irving H. Picard, Trustee v. BNP Paribas S.A. et al. (Adv. Pro. No. 12-01576)

All:

Attached please find pdf copies of the letter and attachments that were sent out earlier today by  
First Class mail.

Best regards,  
Joanna

**Joanna Wasick**  
Associate



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